

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

CHRISTOPHER RAWLINGS *on*
behalf of himself and others
similarly situated,

v.

BMW FINANCIAL SERVICES
NA, LLC,

Plaintiff,

Case No. 2:20-cv-2289
Judge Sarah D. Morrison
Magistrate Judge Kimberly A.
Jolson

:

:

Defendant.

OPINION AND ORDER

This matter is before the Court on the July 27, 2022 Report and Recommendation issued by the Magistrate Judge. (ECF No. 77.) The Magistrate Judge considered the parties' Joint Motion for Certification of the Settlement Class and Final Approval of Class Action Settlement (ECF No. 75) at a fairness hearing, after which, she recommended that the Court approve the parties' proposed settlement. The time for filing objections has passed, and no objections have been filed. For the reasons set forth therein, the Court hereby **ADOPTS** and **AFFIRMS** the Report and Recommendation (ECF No. 77) and **GRANTS** the Joint Motion (ECF No. 75) according to the following terms¹:

1. Pursuant to Federal Rule of Civil Procedure 23(e)(2), the Court finds after a hearing and based on the parties' submissions, the Settlement Agreement is fair, reasonable, and adequate. In reaching this conclusion, the Court considered the record in its

¹ Unless otherwise apparent, all capitalized terms shall have the meaning ascribed to them in the Report and Recommendation.

- entirety and heard the arguments of counsel for the parties. In addition, the Court has considered a number of factors, including: (1) the complexity, expense, and likely duration of the litigation; (2) the reaction of the Class Members to the Settlement; (3) the stage of proceedings and the amount of discovery completed; (4) the risks of establishing liability; (5) the risks of maintaining the class action through the trial; and (6) the reasonableness of monetary benefits to the Class Members;
2. The terms and provisions of the Settlement are the product of thorough, arms-length negotiations among experienced and competent counsel. Approval of the Settlement will result in substantial savings of time, money, and effort to the Court and the parties and will further the interests of justice;
 3. All Class Members are bound by this Judgment and by the terms of the Settlement;
 4. Nothing in the Settlement Agreement, this Judgment, or the fact of the settlement constitutes any admission by any of the parties of any liability, wrongdoing, or violation of law, damages or lack thereof, or of the validity or invalidity of any claim or defense asserted in the Action;
 5. The Court has considered the submissions by the parties and all other relevant factors, including the results achieved and the efforts of Class Counsel in prosecuting the claims on behalf of the Class Members. Plaintiff participated in the Action, acted to protect the Class Members, and assisted his counsel. The efforts of Class Counsel have produced the Settlement entered into with good faith, providing a fair, reasonable, adequate, and certain result for the Class Members. Class Counsel have made application for an award of \$316,666.67 in attorneys' fees, \$15,122.79 in expenses incurred in the prosecution of the Action on behalf of themselves and the Class Members, and \$14,789 to be paid to the Settlement Administrator for administering the Settlement. The Court finds the amounts requested for fees and expenses to be fair, reasonable, and adequate under the circumstances. The Court hereby awards \$331,789.46 as attorneys' fees and expenses to Class Counsel. Analytics shall also be paid \$14,789.00 for its services in administering this Settlement. Further, Plaintiff is entitled to a fair, reasonable, and justified service award of \$10,000 pursuant to the Settlement Agreement and to be paid from the Settlement Fund;
 6. This Action is **DISMISSED with prejudice**;

7. Without affecting the finality of this Judgment, the Court reserves jurisdiction over the implementation, administration, and enforcement of this Judgment and the Settlement Agreement and all matters ancillary thereto.

IT IS SO ORDERED.

/s/ Sarah D. Morrison
SARAH D. MORRISON
UNITED STATES DISTRICT JUDGE